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**HOT DISH  
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## Des Moines Regional Office Closes its Doors

by **Nicholas S. Heisick, Field Examiner**

By the time you read this, the Des Moines Resident Office of Region 18, which was primarily responsible for handling all cases coming out of Iowa, will be permanently closed. The geographic area will now be serviced by the Minneapolis and Milwaukee offices. The NLRB has looked to consolidate regions and close smaller offices where appropriate over the last several years in an effort to reduce costs, usually upon the departure of an office head.

Since 2010, the Des Moines office had been staffed by Resident Officer Jennifer Hadsall, Case Processing Assistant Linda McIlhon, and a single investigator, Field Examiner Charles Chermak. In May 2014, Jennifer Hadsall was promoted to Assistant to the Regional Director, and in the Spring of 2015, Linda McIlhon announced she would retire in July 2015. Around that time, Hadsall, as the Assistant to the Regional Director, began the process of moving to Minneapolis where she would finally be located in same office as the Regional Director in her new role. Accordingly, the Agency needed to consider what it should do with the Des Moines office and its soon-to-be sole staff in the office, Charles Chermak. After reviewing caseloads and rental costs, among other things, the Agency decided to close the

office effective November 30. Chermak will join the Minneapolis office this winter.

Don't fret, Iowans! You will continue to receive the same level of service from the NLRB as you have in the past, although you might see slightly less of Chermak, and more of the different agents in the Region. Iowa-area cases will be assigned among Region 18 staff, and cases requiring in-person investigation will still be investigated in person by Region 18 staff travelling to Iowa from Minneapolis and Milwaukee. Perhaps the only significant difference that Iowa residents should anticipate is no longer being able to physically visit the Des Moines office during general office hours. However, persons in Iowa who have general questions or who need assistance filing charges and petitions will be able to call agents in the Minneapolis office for help anytime between Monday Friday, 8:00 a.m. to 4:30 p.m., to speak with an agent.

Since August, Hadsall, who was previously known to Minneapolis staff mostly through her teleconferencing presence, has been settling back into life and frequent in-person interactions at the Minneapolis regional office.

(Continued on page 2)



## Got Nexus? Who must prove what?

by **James L. Fox, Regional Attorney**

Since its enactment in 1935, the National Labor Relations Act has prohibited employers from discharging or otherwise discriminating against employees because they engage in union or other protected activities. Eighty years after enactment, there is still disagreement concerning what must be proved in a "dual motive" case in order to establish this violation of the Act. A very recent Eighth Circuit Court of Appeals decision in *NLRB v. Nichols Aluminum, LLC*, a Region 25 (Peoria Sub-Region) case out of Davenport, Iowa, provides the occasion for this article.

The essential facts of *Nichols Aluminum* are straightforward and typical. An employee contends he was discharged for union activity (striking). His employer contends he was discharged for misconduct (making a threatening "cut throat" gesture to another employee). Who has to prove what in order to decide this case? The debate has occurred at two different levels. Both have tremendous practical and legal importance.

At the first level, there is a question as to how to allocate the burdens of production and/or persuasion between the Board's General Counsel and the employer. Does the General Counsel shoulder all of the burdens in the case? Can any burden be placed on the employer? If the latter, what is the nature of that burden (production versus persuasion)?

Following years of conflict between the Board and the Courts of Appeals, the Board attempted to definitively answer this question in *Wright Line*. In that case, the Board held that the General Counsel must make an initial "showing sufficient to support the inference that protected conduct was a 'motivating factor' in the employer's decision." If the General Counsel meets that initial burden, "the burden would then shift to the employer to demonstrate that the same action would have taken place in the absence of the protected

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## Critical Nexus — continued

(Continued from page 1)

conduct.” In other words, the Board allocated to the employer a burden of persuasion that amounts to an affirmative defense. Thus, even if the General Counsel demonstrates that a “motivating factor” in the discharge was unlawful, the employer can escape liability altogether by showing that it would have taken the same action regardless. Although the First Circuit Court of Appeals enforced the Board’s order in the *Wright Line* case, it rejected the Board’s allocation of burdens. The Supreme Court ultimately endorsed the Board’s approach in *NLRB v. Transportation Management Corp.*

At the second level, there is a question as to what the General Counsel must prove in order to meet its initial burden that protected conduct was a “motivating factor” in the employer’s decision to terminate the employee. There is a consensus that the General Counsel must prove that the employee engaged in union or other protected conduct and that the employer knew about this conduct. The point of dispute is this: Is it sufficient for the General Counsel to demonstrate generalized employer animus toward protected conduct in order to show unlawful motivation? Or must the General Counsel also demonstrate a causal or other nexus between that animus and the alleged discriminatory conduct?

Different Board members have answered these questions differently. On the one hand, the current Board majority would answer the first question in the affirmative. On the other hand, former Member

Schaumber would have added an additional element and required the General Counsel to prove causal nexus. Current Member Miscimarra has argued that “Generalized antiunion animus does not satisfy the General Counsel’s initial *Wright Line* burden absent evidence that the challenged adverse action . . . was motivated by

“Even if the General Counsel demonstrates that a ‘motivating factor’ in the discharge was unlawful, the employer can escape liability altogether by showing that it would have taken the same action, regardless.”

antiunion animus.” Recently-departed Member Johnson has argued that the *Wright Line* test is “inherently” causal in nature and for this reason an additional element would be “superfluous”; but that “not just any evidence of animus” will necessarily be sufficient to establish unlawful motivation.

The Board’s recent decision in *Nichols Aluminum, LLC*, and the Eighth Circuit Court of Appeals decision on review, demonstrate the continuing controversy and the practical significance of the “nexus” issue. The Board majority (Chairman Pearce and Member Hirozawa) concluded that the General Counsel satisfied its initial burden that the employer unlawfully discharged the

employee by proving that (1) the employee engaged in union activity, (2) the employer was aware of it, and (3) the employer harbored antiunion animus. The Board majority further concluded that the employer failed to prove that it would have discharged the employee in the absence of his union activity. For these reasons, the Board majority concluded that the employer unlawfully discharged the employee. Member Johnson dissented, concluding that “There is no evidence of any nexus between [the alleged discriminatee’s protected conduct] and the motivation for his discharge.” For this reason, Member Johnson would have found no violation.

On review, the Eighth Circuit Court of Appeals sided with dissenting Member Johnson and, in a 2-1 decision, denied enforcement to the Board’s order in *Nichols Aluminum*. The Court stated, “Simple animus toward the union is not enough. While hostility to [a] union is a proper and highly significant factor for the Board to consider when assessing

whether the employer’s motive was discriminatory, . . . general hostility toward the union does not itself supply the element of unlawful motive.” Thus, the presence or absence of “nexus” evidence was the dispositive factor in determining whether the employee was, or was not, unlawfully discharged. Since the Eighth Circuit Court of Appeals has jurisdiction over four of the five states that comprise the Eighteenth Region (excluding Milwaukee Sub-Region 30), “nexus” evidence simply cannot as a practical matter be ignored in litigating *Wright Line* cases in this Region.

## Des Moines closure — continued

(Continued from page 1)

After an exhaustive search (60+ showings), her family is happy to have found a residence in Apple Valley, and Jennifer and her husband Ryan are quickly digging into one of their favorite past times—a brand new set of home improvement projects. The Hadsalls are integrating well into their new neighborhood, and consistent with their outgoing personalities have already participated in (perhaps instigated—the details are fuzzy) group action involving a bonfire in the middle of the street.

Newly-retired Linda McIlhon has been enjoying spending time with her friends and family, and generally relaxing a lot. The Minneapolis staff celebrated Linda’s retirement when she road-tripped up for a get-together at the Hadsalls’ new house in November!

Chermak has been adjusting to running the Des Moines office by himself while preparing to sell his home and move. He says he will miss many of the great dining establishments of Des Moines, but is looking forward to exploring the Minneapolis restaurant scene. He has family in the Minneapolis area and is looking forward to spending time with his nieces and nephews.

## VISIT US ON THE WEB

### NLRB AGENCY WEBSITE

**WWW.NLRB.GOV**

### REGION 18 and SUB-REGION 30 WEBSITE

<https://www.nlr.gov/region/minneapolis>

### DID YOU KNOW?

Every day there is someone here to answer your questions.

The **information officer** is responsible for incoming phone calls and visitors. We rotate the responsibility daily, and make an effort to answer all inquiries before the close of business.

The **information officer** cannot offer legal advice, but can provide information about NLRB procedures and the NLRA, refer inquisitor to other agencies, and log questions for future reference.

Each day, an agent is responsible for serving as the Region's Information Officer (I.O.). In this series, we share particularly interesting and informative I.O. questions and answers.

## Dear Abby...

*I think I want to file a charge with the NLRB against an Employer or Union. Is there any way I can do that online?*

YES! We are excited to announce that effective Monday, November 9, 2015, members of the public can completely E-file charges and petitions directly from the NLRB website ([www.nlr.gov](http://www.nlr.gov)). Simply click "E-file Charge/Petition" on the homescreen of the NLRB's website. From there, you will have access to an "wizard" application that will take you step-by-step through the charge or petition filing process. Even better—you can electronically sign the charge or petition meaning you no longer need to print out a form or wait for one to be mailed to you from the Regional office in order to file it! While the Information Officer is still available to answer any questions you may have and is happy to assist in preparing a charge or petition in the traditional way, we hope you find this latest feature of the website useful! [Please note, while the web charge and/or petition wizard can be used for CA and CB charges and petitions, it is not conformed for priority charges or uncommon petitions, such as AC, UD, WH, etc. or charges with unusual allegations.]

## Outreach: Need A Speaker For Your Organization?

The NLRB is continuing its efforts to reach community groups with information about the Agency. Regional staff members are available to speak to organizations, large and small, at your request. We regularly provide speakers to make presentations to colleges, high schools, technical schools, labor unions, employer associations, staff of legal services or other civil rights agencies, or any group with a particular interest in the nation's labor laws.

We have given presentations on introductory and general information such as the history of the Agency and the National Labor Relations Act, how to file charges and petitions with the Agency, and how the Agency investigates cases. The Region has also given more in-depth presentations on specific issues such as successorship, the duty of fair representation, Beck Rights, protected concerted activity in a non-union workplace, etc.

For Region 18 inquiries, please contact the Region's Outreach Coordinator, **Chinyere Ohaeri** at 612-348-1766 or via email at [Chinyere.Ohaeri@nlrb.gov](mailto:Chinyere.Ohaeri@nlrb.gov) to make arrangements for a speaker.

For Subregion 30 inquiries, please contact the Subregion's Outreach Coordinator, **Percy Courseault** at 414-297-3877 or via email at [Percy.Courseault@nlrb.gov](mailto:Percy.Courseault@nlrb.gov) to make arrangements for a speaker.



# NLRB Punts on Debate over Student Athletes

by Tyler J. Wiese, Field Attorney

On August 17, 2015, the National Labor Board issued a highly-anticipated and publicized decision addressing whether a bargaining unit consisting of Northwestern football players who receive scholarships have the right to form a union under the National Labor Relations Act. In a decision that many

commentators euphemistically characterized as a “punt,” the Board determined that the Northwestern football players did not, under the circumstances presented in the petition under review, possess the right to organize under the Act.

The saga surrounding this case began back in January of 2014, when the College Athletes Players Association (CAPA) filed an election petition with Region 13 of the Board in Chicago, seeking to represent the

Northwestern scholarship football players. After holding an evidentiary hearing, Peter Sung Ohr, the Regional Director of Region 13, issued a decision on March 26, 2014 addressing the appropriateness of the petition. In his decision, Ohr decided that the football players could unionize under the Act and ordered the election to move forward.

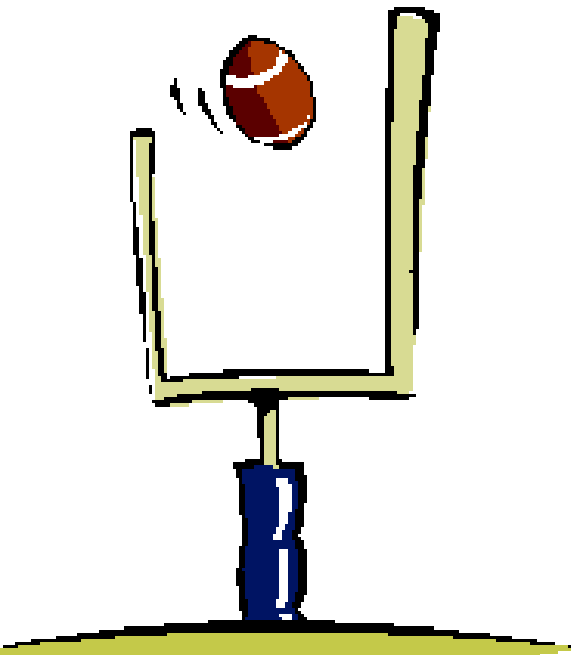
Consistent with this decision, the football players voted on April 25, 2015. The ballots, however, remained unopened, pending Board review requested by the Employer. After receiving briefs from CAPA, Northwestern University, and over 20 outside parties, the Board issued its decision this past August, ruling that the Regional Director had fumbled, and finding that the football players did not have the right to unionize under the Act.

There are two key concepts that underpin the legal issues surrounding this legal toss-up. First, the National Labor Relations Act only applies to individuals who are “employees.” This meant that the Board could only certify the football players if they, in fact, were “employees” of Northwestern University. Second, as interpreted and endorsed by the United States Supreme Court, the primary role of the Board is to promote stability in labor relations throughout the United States. Where Board action would not promote such industrial stability, the Board is empowered to decline jurisdiction.

Regional Director Ohr’s underlying decision, and much of the commentary surrounding the possibility of unionized college athletes, zeroed in on the first issue listed above—whether scholarship athletes qualify as “employees” under the Act. The Board, however, juked this difficult legal issue

by determining that it would not promote labor stability to assert jurisdiction over this specific bargaining unit. In making this finding, the Board made two key points. First, the Board held that it would not further stable labor relations to certify a bargaining unit consisting only of the players from one team. The Board noted that in other sports bargaining units, such as the NFL and MLB, the unions are certified at a *league-wide* level. Here, CAPA was seeking to certify only a *single* team within a broader league. According to the Board, this “seemingly unprecedented” arrangement caused issues with labor stability because both the NCAA and the Big Ten exercised significant control over the rules that applied to student-athletes—yet they would not necessarily be represented at the bargaining table. Second, and in further contrast to other sports bargaining units, the Board could, at best, assert jurisdiction over only a limited number of NCAA football teams. This is due to the fact that only 17 of the 125 Division One-FBS football teams are private institutions. The other 108 schools are all publicly funded, and fall outside the reach of the Act (which covers only *private-sector* employers). This potential fracture between public and private-sector college football teams would, in the Board’s estimation, further undermine labor stability.

Based on these two principles, the Board ruled that it would not, *in the circumstances of this specific case*, assert jurisdiction. The Board reserved the question of whether, in different circumstances (such as a petition seeking to organize all private college scholarship football players), it would assert jurisdiction. In the end, the Northwestern ballots will remain forever unopened, and the question of whether we will see a college football player union is closed—for now.





# Attorneys reflect on NLRB Trial Training

by Abby E. Schneider, Field Attorney

As you know from Regional Attorney Jim Fox's preview article in the September Hot Dish, four of Region 18's attorneys: Chinyere Ohaeri, Rachael Simon-Miller, Tyler Wiese, and myself, participated in the NLRB's 2015 Trial Advocacy Training in August. Supervisory Attorney Nichole Burgess and Regional Attorney Fox participated as instructors.

When asked why they wanted to serve as instructors for this training, Burgess and Fox responded enthusiastically. Burgess says, "I wanted to be an instructor because I think it is so interesting and such a valuable learning experience to meet with people from different Regions and share experiences. Plus, one of my favorite parts about being a supervisor is training new attorneys, building their confidence, and more. This training is valuable primarily because it allows participants to prepare, practice and talk through all different types of trial issues, problems and challenges."

Fox agrees: "I wanted to be an instructor because I firmly believe that proper training and practice can make a meaningful difference in developing trial skills. The trial training conferences over the years have unquestionably improved the trial skills of NLRB attorneys. Those improvements are literally and obviously visible during the course of the week."

The training was not all fun and games, though. Instead, it was hard work—chock full of assignments and pressure similar to real-life trial work.

Approximately one month prior to the training, participants received a case file drafted by members of the conference planning committee, complete with affidavits, documentary evidence, Agenda Outlines, Agenda Minutes, subpoenas, and more. Regions were advised to give participants 20+ hours to prepare for the trial training in the weeks ahead of traveling to Atlanta.

Participants were divided into 10-person groups, facilitated by Agency attorneys from across the country, and worked in advance of the training with our instructors

to draft subpoenas, trial outlines, and witness questions.

"This was a very time-consuming training experience because of all of the allegations in the sample complaint. A 'trial brief' is like an outline of the case, in which the attorney lists how he or she is going to prove each allegation in the complaint and the strengths and weaknesses of the case," says Ohaeri. "This one was complex because there were so many allegations and fine details! But, I know it was a valuable training because I have already applied a lot of what I learned about preparing witnesses and issuing subpoenas duces tecum."

Burgess empathizes with the magnitude of work required for this training. She attended both the new attorney training and advanced trial training before becoming a supervisor. She says, "While both conferences are a lot of work, the concepts and principles I learned in each I utilized often when I returned to the Region." Yet, with great input comes great results, and Burgess emphasizes how valuable the intense training is. "The sharing of information, from the instructors to the students, and from the students to each other, is particularly helpful. Hearing how different regions handle trial issues gives people a better perspective and assures them that there is often no one right answer to a litigation/evidence/witness problem, and that trial work is an art, not a science. That's what I love about it."

At the training, participants' days were divided between trial preparation with their small groups and instructors, and large-group lectures. Lecturers included General Counsel Richard Griffin, Jr., Chief of the Injunction Litigation Branch Elinor Merberg, Lead Technology Counsel Rachel See, Ethics Counselor Jamal Allen, and Administrative Law Judge William Cates.

Each trial preparation session focused on a different aspect of trial: direct examinations, re-direct examinations, cross examinations, 611(c) witnesses, and more.



Two of your Hot Dish editors, Field Attorneys Chinyere Ohaeri and Abby Schneider, at Trial Advocacy Training in Atlanta.

During these sessions, one of the room's instructors posed as the witness, portraying the characters and recounting the facts as written in his or her affidavit—sometimes correctly and sometimes incorrectly, to give it a real-life feel—and the other instructors offered feedback. Participants were videotaped taking turns questioning the witnesses, and after reviewing their videos one-on-one with an instructor, received individualized feedback.

News that we were going to be videotaped was a bit jarring! "While at first I was filled with dread at the thought of my direct examination being recorded and critiqued, it actually proved to be quite helpful. The

first time I reviewed the video of my examination with the instructor, I could clearly identify the behaviors that might be distracting, but I also saw that I wasn't doing so bad! By the time the conference was over, I felt much more confident about

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# Staff Spotlight: New Faces in

**Shane A. Hose** joined Region 18 in November 2014. Shane is a native Minnesotan, but has spent about twelve years in Jacksonville, North Carolina at various points in his life. After high school he served in the Marines for five years (2000-2005) active duty as an artillery mechanic, including a tour in Iraq during OIF, as well as spending a number of months training other Marines to go to overseas in an abandoned suburb in California. After the Marines, Shane spent four years (2006-2010) working for Nash Finch in Minnesota, with a brief stint as a licensed Insurance Producer for Aflac, before deciding to continue his education through American InterContinental University Online. He has an Associate of Arts with Honors in Business Administration, and graduated Summa Cum Laude with a Bachelor's degree in Criminal Justice. Shane also earned a Master's degree in Education, Specializing in Curriculum and Instruction for Educators, consistently ranking at the top of his class.

Shane spent a brief period after graduation in a work program at his local VA, and was the first veteran in the program to be chosen to work in the Patient Education Center as an assistant for the MyHealtheVet program. During this time he helped determine various parameters and procedures for veterans who would take his place once his term in the program ended. It was at this point in time that Shane developed a genuine satisfaction and enjoyment in being able to help others. When researching different organizations, he realized that the neutrality of the National Labor Relations Board and its position of helping bring restitution to injured parties appealed greatly to him. When he received an offer of employment as an Office Automation Assistant, Shane gladly accepted and has never once had reason to regret the decision, as seeing the different ways the agency helps find the truth and does its best to change the lives of others for the better is always an encouraging experience.



**Kaitlin E. Kelly** joined Region 18 in August 2015. Kaitlin is a Fargo, ND native, and knows the Region's territory well! She earned her undergraduate degree at Minnesota State University Moorhead, where she graduated summa cum laude with a major in legal studies. She earned her J.D. from University of Wisconsin, where she graduated cum laude! During law school, Kaitlin honed her trial skills on the Wisconsin Moot Court Board, for which she served as president, competitor, and coach. She received first place at the National Criminal Procedure Moot Court Competition in San Diego, and coached the first place team at the Cyber Crime Moot Court Competition in Los Angeles.

Kaitlin became interested in administrative law while interning at a law firm where she worked on cases involving administrative litigation, and this led to her interest in federal agencies... and her employment with the NLRB! Kaitlin began working as a Field Attorney in Region18 shortly after graduation in the summer of 2015. She says she is excited to have traded the cold for the colder. Within weeks of arriving in the region, Kaitlin had the opportunity to travel for an assignment, and was lucky enough to be sent back to the exotic lands of North Dakota! Update: It looks like she gets to go to western North Dakota next! In her free time, Kaitlin enjoys kayaking, train travel, and reading every book she can get her hands on.



**Nira A. Green** (knee-rah) joined Region 18 in October 2015 as the Region's first Pathways Intern (which means she could transition to a regular staff position after her internship!). Nira is a Chicago, IL native, but has lived in the Twin Cities since the winter of 1998. She earned her undergraduate degree at Metropolitan State University majoring in Human Resource Management, will complete her Master's in Healthcare Administration December 2015, and will then pursue a Doctorate in Public Administration.

Nira is not a new government employee; she spent the last seven years working in the Veterans Health Administration. It was her work there that influenced her to pursue a master's degree in healthcare administration. She held positions in Fee Basis, Eligibility and Enrollment, Human Resources, Contracting, and the Director's Office. Her last position was with the Department of Finance, in the Human Resources Office. Though she loved serving our nation's veterans, she jumped at the opportunity to learn more about labor law by accepting the internship position with the NLRB. She sees this program as a great opportunity to learn something new, and her hope is to become a field examiner with the NLRB at the end of the internship!

Nira has more going for her than school and work; in her spare time (yeah, right) she enjoys spending time with her husband Albert, children - Raequan (17), Mariaunna (15), Gregory (14), Alayna (10), Albert (7), and Channing, her 2-year-old dachshund. Together they (the people—not the dachshund) enjoy movies, theme parks, and road trips (with minimum use of the question "are we there yet?").





**Ashok C. Bokde.** Via Argentina, Africa, Missouri, Colorado, South Korea, San Francisco and New York, Attorney Ashok Bokde arrived in Minneapolis in July to hit the ground running as an experienced attorney for the Region 18 staff.... and in November, he joined the management team as a Supervisory Attorney.

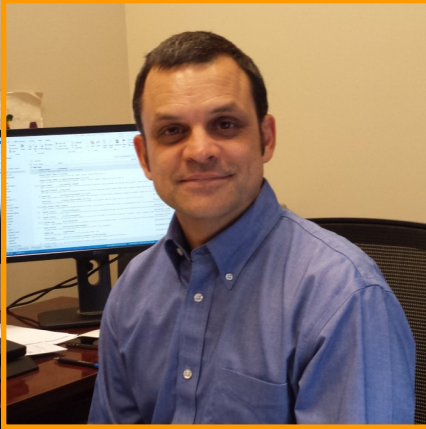
Ashok transferred to Minneapolis after 12 years of Board experience in the San Francisco and Brooklyn offices. Raised in Argentina where labor unions were “strong and permeated daily culture,” he was exposed early to labor-management dynamics.

After summers in Africa with his agronomist father and military school in Missouri, Ashok earned an English degree at the University of Minnesota, followed by a year of teaching English in South Korea. After law school, he clerked for the Colorado State District Court before going into labor law. “I took labor law in my third year of law school and just thought it was kind of cool.”

When not lawyering, Ashok enjoys winter sports with his wife, Abbe Penziner, and their 3-year old daughter. He is also a skilled musician, having composed, played keyboards and bass, and done vocals for college and post-college bands. His band Wheeler’s Cloud played NY gigs and has multiple CD releases.

Explaining the appeal of a career in public service, Ashok commented, “I don’t think of myself as a ‘do-gooder,’ but I do feel like I should be doing something for the public good.”

*Interview conducted by Field Attorney Florence I. Brammer*



**Josie Castro** is the newest edition to Sub-Region 30/Region 18. You may hear her friendly voice answering your call to the office or greeting you in the office lobby. She began at the Milwaukee Regional Office on September 21, 2015. Prior to joining to the NLRB, Josie worked at a dermatology clinic. Josie is a Milwaukee native and has lived in Milwaukee her entire life. Josie is a proud mom to daughter Gabby (19) and son Kurt (13). Gabby is enrolled at Alverno College, studying to become a Physician’s Assistant. Kurt is an eighth grader at Clement Avenue School.

Josie is presently studying for her bachelor’s degree in business at Bryant and Stratton College (conveniently located in the same building as the Regional office). She has about a year and half left of classes before obtaining her degree. She already holds an associate degree in Human Services from Milwaukee Area Technical College and is a graduate of St. Joan Antida’s High School in Milwaukee.



If you think studying for a business degree while holding down a full time job with the Region and parenting two teenagers would leave Josie exhausted at the end of the day—you don’t know Josie! Always the go-getter, she attends a kickboxing class three to four times a week at a local martial arts center. She loves to work out and finds that kickboxing is a great challenge.

Besides working, studying and kickboxing, Josie loves to spend time with her family. Her mother lives only a half mile away. Josie reports that her favorite type of food is Mexican food—and her mom’s cooking is the best. Her favorite dish that her mom makes is rice and enchiladas. Her colleagues at the Region are hopeful that Josie will share some of her mom’s famous taco dip sometime soon....

This is Josie’s first job in the federal sector and she reports that things have been going great. While the Agency’s electronic file system is challenging, she is catching on quickly with practice. She states that her favorite part of the job is her colleagues in her new office. We are grateful to have Josie as part of the Sub-Region 30 team!

## Trial Training—continued

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my ability to question witnesses, and I could definitely see the improvement in myself and the other attorneys in my group,” says Simon-Miller.

Despite the moans and groans from those being recorded, Fox says this approach is valuable because it provides training that simply cannot be replicated in individual Regional Offices. “New attorneys are videotaped and are then promptly critiqued by colleagues and instructors in a group setting. The new attorneys next have the opportunity to review the tape privately with an instructor for further, in-depth critiquing. We simply lack the equipment and time to do this in the Region.”

Burgess says she saw tremendous growth just over the short few days of the conference in people’s skills, techniques and confidence, and was truly impressed with all of the participants.

Another critical component of any NLRB training is the opportunity to learn about best (and worst!) practices in other regions. Roughly 90 trainees attended this year’s conference, and benefitted from learning about each other’s work.

“I [Simon-Miller] used to work in Headquarters, where it is easy to feel like you are part of a large organization with a common mission and employees around the country. In the Region, however, this feeling does not come as easily. By meeting with other attorneys from offices across the country, we were able to not only share our work experiences in our respective offices, but also build that camaraderie that comes from being part of something bigger. I also had the chance to reconnect with folks from the Baltimore office, where I used to work. It was so great to see them and catch up on all the NLRB gossip!”

## Headquarters Welcomes Trade Union Leaders from Bangladesh

*Originally published in the September-October All Aboard:*

Four trade unionists from Bangladesh traveled to the Agency’s new Half Street headquarters in early September as part of a two-week visit in the United States.

**Executive Secretary Gary Shinnery, Associate Executive Secretary Hank Breiteneicher, and Deputy Assistant General Counsel Joe Baniszewski** met with the visitors and two interpreters. Their conversation ranged from the mission and structure of the NLRB to labor conditions among ready-made garment workers in Bangladesh. The delegates described some of the changes in the labor laws in Bangladesh, particularly changes prompted by the November 2012 fire at the Tazreen factory where 112 workers lost their lives, and the April 2013 collapse of the Rana Plaza factory that killed more than 1,130 workers and injured 2,500. Each of the guests described their experiences in Bangladesh’s \$21.5 billion ready-made

garment (RMG) industry, and their current roles with labor unions and worker advocacy organizations. They pointed out that their labor unions and garment workers function in a complicated environment that includes the Bangladesh government, thousands of garment companies, a powerful industry group that regulates the country’s exports, Western fashion brands that buy from the local garment manufacturers, plus NGOs such as the International Labor Organization, the AFL-CIO, and worker advocacy

**Headquarters Welcomes Trade Union Leaders from Bangladesh** organizations, all in the context of multinational trade agreements. Ms. Rukashana Arzoo is Senior Program Officer with Solidarity Center/Bangladesh, AFL-CIO and she is based in Dhaka, Bangladesh’s capital. In that capacity, she helped register more than 120 independent labor unions in the RMG industry. Her colleague, Mr. Jashim Ahmed, is the Collective Bargaining Secretary for the Bangladesh Garment and Industrial Workers

Federation, the second-largest union federation currently organizing garment workers in the country. Mr. Ahmed recounted how he started working in a garment factory at the age of ten and that he has been a union organizer for nine years.

Since 2005, Ms. Moli Akter has served as the President of the Bangladesh Center for Worker Solidarity. She was instrumental in registering one of the first independent garment sector unions in her country, and has focused on establishing ties with labor rights groups in the U.S. Mr. Md Rashadul Alam Raju is Acting General Secretary of the Bangladesh Independent Garment Workers Union Federation, the largest federation organizing garment workers in production centers in Dhaka, Chittagong and Gazipur. He worked as an organizer for nine years and now specializes in arbitration and collective bargaining. Our guests extended their thanks to Hank, Gary and Joe for the briefing, and offered encouragement and greetings to the entire staff of the NLRB.

